

ASSEMBLY BILL

No. 477

Introduced by Assembly Member Mullin

February 23, 2015

An act to amend Section 3019 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 477, as introduced, Mullin. Elections: vote by mail ballots.

Upon receipt of a vote by mail ballot and to determine if the signatures compare, existing law requires an elections official to compare the signature on the identification envelope with either (1) the signature appearing on the voter's affidavit of registration or a previous affidavit of registration of the voter, or (2) the signature appearing on a form issued by an elections official that contains the voter's signature, that is part of the voter's registration record, and that the elections official has determined compares with the signature on the voter's affidavit of registration or a previous affidavit of registration of the voter. If the signatures do not compare, existing law requires the identification envelope to not be opened, the ballot to not be counted, and the cause of the rejection to be written on the face of the identification envelope.

If an elections official determines that a voter has failed to sign the identification envelope, this bill would prohibit the elections official from rejecting the vote by mail ballot if the voter completes and submits a vote by mail ballot affidavit before 5 p.m. on the day before the election, as specified. The bill would require the elections official, upon receipt of the vote by mail ballot affidavit, to compare the voter's signature on the affidavit, as described above, and, if the signatures compare, would require the elections official to attach the affidavit to

the identification envelope and deposit the ballot, still in the identification envelope, in a ballot container in his or her office. The bill would require the identification envelope to not be opened and the ballot to not be counted if the elections official determines that the signatures do not compare. The bill would require the Secretary of State to include the vote by mail ballot affidavit and instructions on completing the affidavit, and certain contact information for all elections officials, on his or her Internet Web site. The bill would also require an elections official to include the vote by mail ballot affidavit and instructions, and certain contact information, on his or her Internet Web site. By requiring elections officials to take additional actions related to vote by mail ballots, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3019 of the Elections Code is amended
2 to read:
3 3019. (a) Upon receipt of a vote by mail ballot, the elections
4 official shall compare the signature on the identification envelope
5 with either of the following to determine ~~whether~~ if the signatures
6 compare:
7 (1) The signature appearing on the voter's affidavit of
8 registration or ~~any~~ a previous affidavit of registration of the voter.
9 (2) The signature appearing on a form issued by an elections
10 official that contains the voter's signature, that is part of the voter's
11 registration record, and that the elections official has determined
12 compares with the signature on the voter's affidavit of registration
13 or ~~any~~ a previous affidavit of registration of the voter. The elections
14 official may make this determination by reviewing a series of
15 signatures appearing on official forms in the voter's registration

1 record that have been determined to compare, that demonstrates
2 the progression of the voter's signature, and makes evident that
3 the signature on the identification envelope is that of the voter.

4 (b) In comparing signatures pursuant to subdivision (a), the
5 elections official may use the duplicate file of affidavits of
6 registered voters or facsimiles of voters' signatures, ~~provided that~~
7 *signatures if* the method of preparing and displaying the facsimiles
8 complies with the law.

9 (c) (1) If upon conducting the comparison of signatures pursuant
10 to subdivision (a) the elections official determines that the
11 signatures compare, he or she shall deposit the ballot, still in the
12 identification envelope, in a ballot container in his or her office.

13 (2) If upon conducting the comparison of signatures pursuant
14 to subdivision (a) the elections official determines that the
15 signatures do not compare, the identification envelope shall not
16 be opened and the ballot shall not be counted. The cause of the
17 rejection shall be written on the face of the identification envelope.

18 (d) The variation of a signature caused by the substitution of
19 initials for the first or middle name, or both, shall not be grounds
20 for the elections official to determine that the signatures do not
21 compare.

22 (e) In comparing signatures pursuant to this section, an elections
23 official ~~is authorized to~~ may use signature verification technology.
24 If signature verification technology determines the signatures do
25 not compare, the elections official shall not reject the ballot unless
26 he or she visually examines the signatures and verifies that the
27 signatures do not compare.

28 (f) (1) *Notwithstanding any other law, if an elections official*
29 *determines that a voter has failed to sign the identification*
30 *envelope, the elections official shall not reject the vote by mail*
31 *ballot if the voter completes and submits a vote by mail ballot*
32 *affidavit before 5 p.m. on the day before the election, in accordance*
33 *with the following:*

34 (A) *The voter shall complete a vote by mail ballot affidavit in*
35 *substantially the following form:*

36
37 "VOTE BY MAIL BALLOT AFFIDAVIT

38
39 I, _____, am a registered voter of _____ County,

1 *State of California. I do solemnly swear (or affirm) that I requested and*
2 *returned a vote by mail ballot and that I have not and will not vote more than*
3 *one ballot in this election. I understand that if I commit or attempt any fraud*
4 *in connection with voting, or if I aid or abet fraud or attempt to aid or abet*
5 *fraud in connection with voting, I may be convicted of a felony punishable by*
6 *imprisonment for 16 months or two or three years. I understand that my failure*
7 *to sign this affidavit means that my vote by mail ballot will be invalidated.*

8
9 _____
10 *Voter's Signature*

11 _____
12 *Address"*

13 *(B) Upon receipt of the vote by mail ballot affidavit, the elections*
14 *official shall compare the voter's signature on the affidavit in the*
15 *manner provided by this section.*

16 *(i) If the elections official determines that the signatures*
17 *compare, he or she shall attach the vote by mail ballot affidavit*
18 *to the identification envelope and deposit the ballot, still in the*
19 *identification envelope, in a ballot container in his or her office.*

20 *(ii) If the elections official determines that the signatures do not*
21 *compare, the identification envelope shall not be opened and the*
22 *ballot shall not be counted.*

23 *(2) Instructions shall accompany the vote by mail ballot affidavit*
24 *in substantially the following form:*

25
26 *"READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE*
27 *AFFIDAVIT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR*
28 *BALLOT NOT TO COUNT.*

29 *1. In order to ensure that your vote by mail ballot will be counted, your*
30 *affidavit should be completed and returned as soon as possible so that*
31 *it can reach the elections official of the county in which your precinct*
32 *is located no later than 5 p.m. on the day before the election.*

33 *2. You must sign your name on the line above (Voter's Signature).*

34 *3. Place the affidavit into a mailing envelope addressed to your local*
35 *elections official. Mail, deliver, or have delivered the completed affidavit*
36 *to the elections official. Be sure there is sufficient postage if mailed*
37 *and that the address of the elections official is correct.*

38 *4. Alternatively, you may submit your completed affidavit by facsimile*
39 *transmission or by e-mail delivery to your local elections official. If*

1 *submitting by e-mail delivery, please provide the affidavit as an*
2 *attachment.”*

3
4 *(3) The Secretary of State shall include the vote by mail ballot*
5 *affidavit and instructions described in this subdivision on his or*
6 *her Internet Web site, and shall provide a list of mailing addresses,*
7 *electronic mail addresses, and facsimile transmission numbers of*
8 *all elections officials, or provide conspicuous hyperlinks to that*
9 *information, on the Internet Web page containing the affidavit and*
10 *instructions.*

11 *(4) An elections official shall include the vote by mail ballot*
12 *affidavit and instructions described in this subdivision on his or*
13 *her Internet Web site, and shall provide the elections official’s*
14 *mailing address, electronic mail address, and facsimile*
15 *transmission number on the Internet Web page containing the*
16 *affidavit and instructions.*

17 ~~(f)~~

18 *(g) A ballot shall not be removed from its identification envelope*
19 *until the time for processing ballots. A ballot shall not be rejected*
20 *for cause after the identification envelope has been opened.*

21 SEC. 2. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.